

Court of Appeals June Term 1817

James Owings } appeal from Chancery.
 n }
 Reports }
 Peter A. Hartman }
 Jun 27. Pres^t Chase, Ch. J.
 Buchanan, Johnson & Martin, J.
 Dorsy, J. withdrew

Martin & Yelloale for app^t - (See also let notes)

Winder & Winchester for app^{ee}. (see statement).

Martin for app^t - There was a suit at law - and the
 same facts stated in the Bill of Exceptions, all law, ^{the same} as are
 stated in the Bill as the foundation for relief -

The app^{ee} however says that the fact of the altera-
 tion of the Bill of Exceptions ^{is} the Decree, founded by the Court
 not proved at law &c.

As to altering the manifest - Price, Rev. Law 82 §. 36.

2 Points - 1st Precluded by the trial at law
 2^d On the merits the Eq. with the app^t.

Consignee of a cargo ^{if} has an interest in the cargo - If only a
 supercargo he is only a trustee. Consignor can disprove, &c.

8 East 21. Buller J.

Winder for app^{ee}: If the app^t meant to have relied on

to his children - The object of the bill is to get the
deeds annulled on acct. of fraud - viz. Parson
at the time of the deeds was indebted to the Compt.

a judg. entered at law in the name of Ellerbury & Co
for the use of the Compt. ag. Parson - The Compt. by the
recovery in the creditor, rec'd. ev'd. of the fact & not to be
contravened - The deed is 1809 - The judg. is

Chanc. had a right to decree the sale of an equitable
Int - and if the docs are vacated, then the Chanc. cd
do so - It is admitted by the opposite counsel that
if Parson was indebted when the deeds were ec'd
that they were void - The Ev'd. shows that he
was so indebted - The confid. in the deeds
not meritorious - must be natural love &
aff. - Parson's object to defraud his wife of
Dower - Before his divorce he married again
& had the children to whom he had the law
convey'd. - It was a convey. to an ^{illegitimate} adulterous offspring.

4. Hen. 8. Mun. 485

1 Cranch 309.

Magruder in reply - The Bill does not alleg fraud. How

Does the question of fraud or not come before the Ct.?

John. Dig. N. Y. City of John. N. Y. 543.

The trustee N. had been a party because he may have
made a dividend of the stock or a part of it to the company.

Coale v. Stewardson in this case - an apt. to Melville
he was not a party - This one of the grounds upon which
the Ct. reversed for want of parties.

22 June Decree affirmed.